

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

**GOVERNMENT'S RESPONSE TO DEFENDANT'S  
MOTION FOR RETURN OF PROPERTY**

COMES NOW, Plaintiff, by Timothy J. Downing, United States Attorney for the Western District of Oklahoma, through Matt Dillon, Assistant United States Attorney and responds to Defendant's pro se Motion for Return of Property Pursuant to Fed.R.Crim.P. 41(g) [Doc. 93]. In support of this response, the United States submits the following:

1. On February 5, 2018, the Federal Bureau of Investigation (FBI) executed a federal search warrant on Defendant's residence.
  2. On February 6, 2018, the Federal Grand Jury returned an Indictment charging three counts in relation to Visa fraud and giving false statements involving international terrorism to the Federal Bureau of Investigation and the Department of Homeland Security.
  3. On December 14, 2018, Defendant entered a plea of guilty to Count 1 of the Indictment, Visa fraud; and Count 3, charging false statements involving international terrorism.

4. On October 3, 2019, Defendant was sentenced by this Court to 120 months as to Count 1 and 96 months as to Count 3, with 31 months of Count 3 to run consecutively to Count 1, for a total term of 151 months. [Doc. 92].

5. On April 6, 2020, Defendant filed the instant pro se motion [Doc. 93].

### **Discussion**

Defendant's motion is now moot. As Defendant's motion illustrates, counsel for Defendant and the undersigned were working together to facilitate the return of Defendant's property. *Id.* at Ex. A. FBI returned all of Defendant's property in FBI's possession to Defendant's designee on April 24, 2020.

It should be noted, however, that FBI did not conduct "an unlawful search and seizure of property" nor was Defendant being unlawfully deprived of his property as contemplated in Fed.R.Crim.P. 41(g). Nothing in this response, nor the FBI's return of Defendant's property, should be construed as an admission of any misconduct. Defendant never filed a motion to suppress in this matter or allege any government misconduct.

The United States requests this Court to dismiss Defendant's motion as moot.

Respectfully submitted,

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s/Matt Dillon  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2020, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing, which will automatically send e-mail notification of such filing to: Michael A. Abel, Kenny R. Goza, and William H. Campbell.

I hereby certify that on April 24, 2020, a copy of the attached document was mailed to Defendant at the following address:

Naif Alfallaj  
#32064-064  
United States Penitentiary–Marion, IL  
P.O. Box 1000  
Marion, IL 62959-1000

*s/ Matt Dillon*  
Assistant U.S. Attorney